

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DONALD T. GAZAWAY,
Petitioner,

vs.

WARDEN, NOBLE CORRECTIONAL
INSTITUTION,
Respondent.

Case No. 1:20-cv-1024

McFarland, J.
Bowman, M.J.

**REPORT AND
RECOMMENDATION**

This matter is before the Court on petitioner's Motion to Alter or Amend (Doc. 20), in which petitioner seeks reconsideration of the Court's May 31, 2022 Entry and Order Overruling Objections (Doc. 17) and Adopting Report and Recommendations (Doc. 15). (Doc. 18).

As a general rule, motions for reconsideration are not favored unless the movant demonstrates: "(1) a manifest error of law; (2) newly discovered evidence which was not available previously to the parties; or (3) intervening authority." *Meekison v. Ohio Dept. of Rehabilitation and Correction*, 181 F.R.D. 571, 572 (S.D. Ohio 1998) (citing *Harsco Corp. v. Zlotnicki*, 779 F.2d 906, 909 (3d Cir. 1985)). The Court has carefully reviewed petitioner's motion and the authorities cited therein. In this case, there is no intervening change of controlling law, nor has petitioner submitted new evidence not previously available to him. Instead, petitioner reargues the issues upon which he was not successful before this Court.

Petitioner has not alleged any facts or cited any legal authority which suggests that reconsideration of the Court's Order adopting the Report and Recommendation, including the portion of the Order denying a certificate of appealability, is warranted.

Accordingly, it is hereby **RECOMMENDED** that plaintiff's motion (Doc. 20) be **DENIED** and that petitioner be directed that, if he seeks further review of his petition, he must file an appeal of this Court's judgment to the Sixth Circuit Court of Appeals.

IT IS SO RECOMMENDED.

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).